

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 623

Instructional Materials for K-12 Public Education

SPONSOR(S): Burgin and others

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	12 Y, 2 N, As CS	Duncan	Ahearn
2)	PreK-12 Appropriations Committee	9 Y, 0 N, As CS	Seifert	Heflin
3)	Education Policy Council			
4)				
5)				

SUMMARY ANALYSIS

State funding for instructional materials is provided annually in the General Appropriations Act as a separate line item earmarked specifically for instructional materials as part of the calculation of the Florida Education Finance Program. Once the funds are distributed to the district school boards, each board must use at least 50 percent of the funds allocated for instructional materials to purchase instructional materials on the state-adopted list. A district school board may use up to 50 percent of the annual allocation to purchase instructional materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books. Under current law, state-adopted instructional materials and non state-adopted instructional materials have similar meanings. However, both definitions explicitly exclude the purchase of electronic or computer hardware even if such hardware is bundled with software or other electronic media, and exclude equipment and supplies.

The Committee Substitute for Committee Substitute for HB 623 authorizes a district school board to purchase computer hardware with the portion of the funds used to purchase materials not on the state-adopted list when the hardware is provided for the sole purpose of delivering instructional materials content in an electronic format.

Current law provides that a district school board has the duty to provide adequate instructional materials for all students. The term "adequate instructional materials" does not include the provision for electronic textbooks. The bill amends the definition of "adequate instructional materials" to include electronic textbooks. In addition, a district school board has the duty, among other things, to provide "other instructional materials" such as teaching accessories and aides as are needed for the school district's educational program. The CS adds to teaching accessories and aides, the provision of technology.

This bill does not appear to have a fiscal impact on state or local government revenues or expenditures.

The bill provides an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

Instructional Materials Findings

State funding for instructional materials is provided annually in the General Appropriations Act as a separate line item earmarked specifically for instructional materials as part of the calculation of the Florida Education Finance Program (FEFP).¹ Once the funds are distributed to the district school boards, each board must use at least 50 percent of the funds allocated for instructional materials to purchase instructional materials on the state-adopted list.² A district school board may use up to 50 percent of the annual allocation to purchase instructional materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.³ A district school board may use 100 percent of the annual allocation designated for the purchase of instructional materials for kindergarten, and 75 percent of the annual allocation designated for the purchase of instructional materials for the first grade, to purchase materials not listed on the state-adopted list.⁴ Under current law, state-adopted instructional materials and non state-adopted instructional materials have similar meanings. However, both definitions explicitly exclude the purchase of electronic or computer hardware even if such hardware is bundled with software or other electronic media, and exclude equipment and supplies.⁵

¹ The Florida Education Finance Program (FEFP) is the mechanism used by the state to fund the operating costs of Florida's school districts. *See* s. 1011.67, F.S. and s. 1011.67(1), F.S.

² For purposes of state adoption, instructional materials means items having intellectual content that, by design, serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies. s. 1006.29(4), F.S., and s. 1006.40(3)(a), F.S.

³ Items not on the state-adopted list must be used to purchase instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may include replacements for items which were part of previously purchased instructional materials and other commonly accepted instructional tools as prescribed by district board rule. s. 1006.40(4), F.S., and s. 1006.40(3)(b), F.S.

⁴ s. 1006.40(3)(c), F.S.

⁵ s. 1006.29(4), F.S.

Funding of Instructional Materials

The table below provides the amount of funding allocated to Florida's school districts during fiscal years 2007-2008, 2008-2009, and 2009-2010.

Instructional Materials Funding ⁶	
Fiscal Year	Amount (Millions)
2007-2008	\$266.4
2008-2009	\$253.9
2009-2010	\$246.4 ⁷

Currently, school districts purchase computer equipment with state FEFP and capital outlay funds.⁸ In addition, federal entitlement funds are provided through the No Child Left Behind Title IID – Enhancing Education Through Technology program to school districts based on their Title I allocation.⁹

On March 4, 2010, Florida was named a finalist in phase 1 of the \$4.35-billion federal Race to the Top¹⁰ education reform competition.¹¹ If funded, fifty percent of the state's total award will be distributed to participating school districts according to a federal funding formula, and the remaining 50 percent will fund state-level projects designed to benefit all school districts statewide.¹² A requirement of the Memorandum of Understanding between the DOE and participating school districts is to ensure that each school possesses the technology, including hardware, connectivity, and other necessary infrastructure to provide teachers and students sufficient access to strategic tools for improved classroom instruction and computer-based assessment.¹³

District School Board Responsibilities

A district school board has the duty to provide adequate instructional materials for all students. "Adequate instructional materials" means a sufficient number of instructional materials for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature,

⁶ Chapters 2007-072, 2007-326, 2008-001, 2008-152, 2009-001, and 2009-081, L.O.F.

⁷ Funding for fiscal year 2009-2010 includes \$30.3 million for education technology from the federal American Recovery and Reinvestment Act of 2009 appropriated through the state's 2009-2010 General Appropriations Act. The DOE is directed to implement a technology grant program for school districts to demonstrate the use of technology in teacher professional development and student instruction in science, technology, engineering, and mathematics (STEM) content areas. The student portion should incorporate the use of classroom laptops and personal learning devices that are mobile and able to extend learning beyond the classroom day. The teacher portion should combine the use of laptops and personal learning devices and should include the development and delivery of professional development linked to the newly adopted math and science standards. Ch. 2009-081, L.O.F.

⁸ The Discretionary Capital Outlay Levy is a statutorily authorized discretionary property tax that district school boards may levy without approval of the electorate. See s. 1011.71(2), F.S.

⁹ Department of Education analysis of HB 623, January 12, 2010.

¹⁰ Through the federal Race to the Top competitive grant program, the U.S. Department of Education encourages and rewards states to propose education reforms focused on helping struggling schools, elevating the effectiveness of teaching professionals and education leaders, building internationally recognized education standards and assessments, and improving state education data systems. American Recovery and Reinvestment Act of 2009, Section 14006(c), Public Law 111-5. See <http://www2.ed.gov/programs/racetothetop/eligibility.html>.

¹¹ Press Release issued March 4, 2010, *Florida Announces as Finalist in \$4.35-Billion Race to the Top Competition*, Office of the Governor. See <http://www.flgov.com/release/11409>.

¹² American Recovery and Reinvestment Act of 2009, Public Law 111-5. See <http://www2.ed.gov/programs/racetothetop/eligibility.html>.

¹³ Florida Department of Education, *Florida's Race to the Top Application – Participating Local Education Agency Memorandum of Understanding*, p.8, December 9, 2009. See <http://www.fldoe.org/ARRA/Racetothetop.asp>.

except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction.¹⁴ The term does not include electronic or computer hardware.

Specifically, a district school board must:

- Adopt courses of study for use in schools of the district.
- Provide for the requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as necessary.
- Provide other teaching accessories and aides as needed for the school district's educational program.
- Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries needed for the proper operation of the district school system.¹⁵

Effect of Proposed Changes

A district school board has the duty to provide adequate instructional materials for all students. The term "adequate instructional materials" does not include the provision of computer hardware. The bill amends the definition of "adequate instructional materials" to include electronic textbooks. In addition, a district school board has the duty, among other things, to provide "other instructional materials" such as teaching accessories and aides as are needed for the school district's educational program. The CS adds to teaching accessories and aides, the provision of technology.

A district school board must use at least 50 percent of its instructional materials allocation to purchase instructional materials on the state-adopted list and up to 50 percent of the allocation to purchase instructional materials not on the state-adopted list. The bill authorizes a district school board to purchase computer hardware with the portion of the funds used to purchase materials not on the state-adopted list beginning with the 2012-2013 school year and when the hardware is provided for the sole purpose of delivering instructional materials content in an electronic format.

B. SECTION DIRECTORY:

Section 1: Amends s. 1006.28, F.S., relating to duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.

Section 2: Amends s. 1006.40, F.S., relating to use of instructional materials allocation; instructional materials, library books, and reference books.

Section 3: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

¹⁴ s. 1006.28(1), F.S.

¹⁵ s. 1006.28(1)(a)-(d), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If school districts choose to purchase computer hardware with a portion of their instructional materials allocation to be used for non state-adopted materials, then textbook publishing companies could be negatively affected.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 10, 2010, the PreK-12 Policy Committee adopted one amendment and reported the bill favorably as a Committee Substitute (CS). The difference between the CS and the House Bill is as follows:

The bill authorizes a district school board to purchase computer hardware with the portion of the funds used to purchase materials not on the state-adopted list when bundled with software or other electronic media. The CS modifies the provision to authorize a district school board to purchase computer hardware with funds used to purchase materials not on the state-adopted list when the computer hardware is provided for the sole purpose of delivering instructional materials content in an electronic format.

On March 26, 2010, the PreK-12 Appropriations Committee adopted one amendment and reported the bill favorably as a Committee Substitute (CS). The difference between the CS and the Committee Substitute for House Bill 623 is as follows:

The CS/CS/HB 623 expands the definition of “adequate instructional materials” to include electronic textbooks. The bill modifies the provision to authorize a district school board to purchase computer hardware with funds used to purchase materials not on the state-adopted list when the computer hardware is provided for the sole purpose of delivering instructional materials content in an electronic format beginning in 2012-2013 fiscal year.